

REMARKS

In response to the Office Action dated March 2, 2010, Applicant requests reconsideration of the above-identified application in view of the following remarks. Claims 1-25 are pending in the application, and are rejected. Claims 1, 4-8, 10-12, 17 and 22-24 are amended. No new matter has been added.

The Rejection of Claims Under §103

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyce et al. (U.S. Patent Number 6,798,358) in view of Carey et al. (U.S. Patent Number 6,714,793). Applicant respectfully traverses.

Joyce issued on September 28, 2004, which is after the 28 August 2001 filing date of the present application. The applicant does not admit that Joyce is prior art, and reserves the right to swear behind Joyce at a later date.

Carey issued on March 30, 2004, which is after the 28 August 2001 filing date of the present application. The applicant does not admit that Carey is prior art, and reserves the right to swear behind Carey at a later date.

Amended independent claim 1 recites a method including, among other features, “receiving a second immediate message in the mobile device, wherein the second immediate message comprises a response to the request, wherein the response is dependent on a meaning of the request and the location of the mobile device.”

Amended independent claim 4 recites a method including, among other features, “parsing contents of the first instant message to determine a meaning of the contents; and sending a second instant message to the mobile device, wherein contents of the second instant message are dependent on the location of the mobile device and the meaning of the contents of the first instant message.”

Amended independent claim 7 recites a server including, among other features, “a personal-assistance controller to parse a request from the mobile device to determine a meaning of the request and to send information to the mobile device, wherein the information is based on the location of the mobile device and the meaning of the request.”

Amended independent claim 12 recites a mobile device including “a controller to contact a hotspot-access point, send a request for information to a server via the hotspot-access point, and receive a response to the request, wherein the response comprises information dependent on a location of the hotspot-access point and a meaning of the request.”

Amended independent claim 17 recites an apparatus including, among other features, “a controller to connect to one of the plurality of hotspot-access points, send a request to the personal-assistance controller, and receive a response to the request sent by the controller, wherein the response comprises information dependent on a location of the one of the plurality of hotspot-access points and a meaning of the request sent by the controller.”

Amended independent claim 22 recites a storage media including, among other features, “sending a second instant message to the sender, wherein contents of the second instant message are dependent on the location of the sender and the meaning of the contents of the first instant message.”

Joyce relates to location-based content delivery¹ to a mobile terminal 10 serviced by a wireless communication network 12.² Joyce does not show a response that is dependent on a meaning of a request and a location of a mobile device as is recited in amended claim 1 or the analogous features recited in amended independent claims 4, 7, 12, 17 and 22. The delivery of content in Joyce is “controlled by one or more profiles” in a profile database that were set up by a mobile terminal or information providers.³ Carey relates to a method and system for instant messaging⁴ but does not supply the features missing in Joyce. Therefore, even as combined, Carey and Joyce do not show all of the features recited in amended independent claims 1, 4, 7, 12, 17 and 22.

The applicant respectfully submits that a *prima facie* case of obviousness against amended independent claims 1, 4, 7, 12, 17 and 22 has not been established in the Office Action, and that claims 1, 4, 7, 12, 17 and 22 are in condition for allowance.

¹ Joyce, Title.

² Joyce, column 3, lines 6-15.

³ Joyce, column 7, line 47 to column 8, line 24.

⁴ Carey, Title.

Dependent claims 2, 3, 5, 6, 8-11, 13-16, 18-21 and 23-25 are believed allowable for at least the same reasons as amended independent claims 1, 4, 7, 12, 17 and 22. Notification to that effect is respectfully requested.

New Claims

Dependent claims 5, 11 and 23 are amended to include features that are new in the claims. Support for the features may be found in the specification, such as between page 6, line 25 and page 7, line 3. Applicant believes that no new matter has been introduced in the amended claims. Additionally, Applicant respectfully submits that the amended dependent claims 5, 11 and 23 provide additional elements beyond the allowable subject matter present in the pending independent claims from which they depend, directly or indirectly.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6973 to facilitate prosecution of this application.

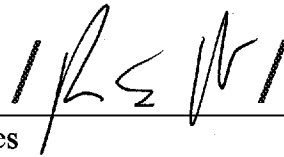
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(612) 373-6973

By _____

Robert E. Mates
Reg. No. 35,271

A handwritten signature in black ink, appearing to read 'R. E. Mates', is written over a horizontal line that serves as a signature line.